

**ENGINEERING AND LAND SURVEYING  
EXAMINING BOARD[193C]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 542B.6, the Engineering and Land Surveying Examining Board amends Chapter 8, “Professional Conduct of Licensees,” Iowa Administrative Code.

The amendment to Chapter 8 clarifies the rules on unethical or illegal conduct.

Notice of Intended Action for this amendment was published in the April 30, 2014, Iowa Administrative Bulletin as **ARC 1441C**. A public hearing was held on May 22, 2014, at the offices of the Professional Licensing Bureau, 200 E. Grand, Suite 350, Des Moines, Iowa. No comments were received. This amendment is identical to that published under Notice.

This amendment was adopted by the Board on July 17, 2014.

This amendment is subject to waiver or variance pursuant to 193—Chapter 5.

There is no fiscal impact. No current fees are being changed and no new fees are being imposed.

After analysis and review of this rule making, no adverse impact on jobs has been found. Although there should be no impact on jobs, the Board will continue to work with stakeholders to minimize any negative impact and maximize any positive impact toward jobs.

This amendment is intended to implement Iowa Code section 542B.21.

This amendment will be effective September 24, 2014.

The following amendment is adopted.

Amend paragraph **8.2(6)“a”** as follows:

*a. Business practices.* The following guidelines regarding unethical or illegal business practices shall apply:

(1) to (3) No change.

(4) Licensees shall not solicit or accept an engineering or land surveying contract from a governmental body when a principal or officer of the licensee’s organization serves as an elected, appointed, voting or nonvoting member of the same governmental body which is letting the contract. For purposes of this subparagraph, “governmental body” means a board, council, commission, or similar multimembered body. A licensee would not violate this provision, however, if the principal or officer of the licensee’s organization who serves as a member of the governmental body plays no role in the solicitation or acceptance of the contract, and the contract would be legally permissible under applicable Iowa law, including but not limited to Iowa Code sections 68B.3, 279.7A, 331.342, and 362.5.

(5) and (6) No change.

~~(7) When a licensee’s organization or a principal, officer, other member, or employee of the licensee’s organization has review authority over the engineering or land surveying projects performed by private contractors within the jurisdiction of a governmental body, the licensee shall not solicit or accept a private engineering or land surveying contract that falls under the review services performed for that governmental body. The purpose of this paragraph is to avoid a circumstance in which a licensee may be called upon to review on behalf of a governmental body the engineering or land surveying services performed by the licensee’s own organization.~~

~~However, if the licensee exercising review authority does so as a member of a multimembered body with review authority, the conflict of interest may be addressed by the disqualification or recusal of the licensee when engineering or land surveying services of the licensee’s organization are under review. In~~

~~that circumstance, the solicitation or acceptance of a private engineering or land surveying contract by the licensee's organization would not be in violation of this rule.~~

[Filed 7/28/14, effective 9/24/14]

[Published 8/20/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 8/20/14.